

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CLAUDE ZAIN McCULLUM,

Plaintiff,

Case No. 1:08-CV-96

v.

Hon. Gordon J. Quist

RODNEY BAHL, et al,

Defendants.

ORDER DENYING MOTION FOR PROTECTIVE ORDER

Defendants Lansing Community College (“LCC”), Rodney Bahl and John Imeson have filed a motion pursuant to Fed.R.Civ.P. 26(c) for a protective order to preclude plaintiff from taking depositions of two of defendant LCC’s employees on June 15, 2009 and defendant John Imeson on June 22, 2009. The essence of the motion is that plaintiff’s attempt to take the depositions while certain settlement efforts are proceeding is counter-productive and would impose undue burden and expense on the LCC defendants.

The settlement efforts in question revolve around a June 16, 2009 settlement conference in a the related case of *Lansing Community College and Middle Cities Risk Management Trust v. National Union Fire Insurance Company of Pittsburgh, PA*, Case No. 09-cv-111 (W.D.Mich). The court spent yesterday afternoon conducting the scheduled settlement conference to no avail, and is convinced that settlement is not imminent in either case. Accordingly, the justification advanced by defendants for a protective order is moot and there is no reason not to proceed with any properly noticed depositions.

To the extent that two of the depositions are of defendants' employees who are not officers, directors or managing agents of the defendant, those depositions should proceed pursuant to Fed.R.Civ.Proc. 45, unless all persons concerned can informally agree to a deposition date.

Defendants' motion for a protective order (docket no. 201) is **DENIED**.

IT IS SO ORDERED.

Dated: June 18, 2009

/s/ Hugh W. Brenneman, Jr.
HUGH W. BRENNEMAN, JR.
United States Magistrate Judge